IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 5363 of 2001 (M/S)

1. Smt. Mahendra Kaur Widow of late Manta Singh
2. Smt. Manjeet Kaur, Widow of late Veer Singh
Both Residents of Village Jagatpur, Tehsil Bajpur, District Udham Singh Nagar. .....Petitioner

Versus

1. State of Uttaranchal through the District Magistrate, Udham Singh Nagar.
2. The Sub-Divisional Magistrate (S.D.M.), Kashipur, District Udham Singh Nagar
3. The Tehsidar, Tehsil Bajpur, Udham Singh Nagar.
4. The Gaon Sabha/Land Management Committee, Village Jagatpur Tehsil Bajpur, District Udham Singh Nagar, through its Pradhan/Chairman. .....Respondents

27.04.2006

Sri Jitendra Singh, Counsel for the petitioner.
Learned Standing Counsel for the respondent No. 1 to 3.

Hon'ble Rajesh Tandon, J.

Heard Sri Jitendra Singh, Counsel for the petitioners and Standing Counsel for the respondent no. 1 to 3.

By the present writ petition, the petitioners have prayed for a writ of mandamus directing the respondents not to dispossess the petitioners from the land in dispute i.e. plot no. 25A situate in village Jagatpur, Tehsil Bazpur District Udham Singh Nagar.

Briefly stated according to the case of the petitioners the disputed land plot no. 25 A situate in village Jagatpur Tehsil Bazpur District Udham Singh Nagar, have been recorded as Banjar. Petitioners have submitted that they are in possession of the disputed land for the last 40 years. They have constructed residential houses over the disputed land. On 24.11.1989 petitioners moved an application to allot the land in dispute in their favour. During the inspection it was found that petitioners are in possession of the land in dispute and they are landless labourers and therefore the said land may be allotted in their favour.

Petitioners have further submitted that the matter of allotment is pending before the respondents on the applications filed by the petitioners dated 13.07.89 & 24.10.89.

In view of the above, Respondents are directed to consider the applications filed by the petitioners dated 13.07.89 & 24.10.1989 within a period of four months. However, the petitioners are directed to file the fresh application before respondents within one month from the date of production of certified copy of this order.

Subject to the aforesaid observation, writ petition is disposed of.

27.04.2006 **(Rajesh Tandon, J.)**

Jain